IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 24TH MAY 2007 / 3RD JYAISHTA 1929

WP(C).No. 10643 of 2007(P)

PETITIONER:

GLOBAL SPICES PRIVATE LIMITED,
NEW INDUSTRIAL DEVELOPMENT AREA,
MENONPARA ROAD, KANJIKODE, PALAKKAD- 678621,
REP.BY ITS DIRECTOR KRISHNANUNNI.

BY ADV. SRI.ANIL K.NARENDRAN

RESPONDENTS:
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1. THE KERALA STATE INDUSTRIAL DEVELOPMENT CORPORATION LIMITED, KISTON ROAD, KOWDIAR, THIRUVANANTHAPURAM- 695003, REP.BY ITS GENERAL MANAGER.

2. THE DEPUTY TAHSILDAR (RR), PALAKKAD.

R1 BY ADV. SRI.M.PATHROSE MATTHAI (SR.)
SRI. SAJI VARGHESE
R2 BY G.P. SRI. MOHAMMED RAFFIQ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF LETTER DATED 3.7.2006 OF THE FIRST RESPONDENT SANCTIONING OTS TO THE PETITIONER.

EXT.P2 TRUE COPY OF PETITIONER'S COVERING LETTER DATED 19.7.2006 FORWARDING 12 POST DATED CHEQUES TO THE FIRST RESPONDENT.

EXT.P3 TRUE COPY OF REGISTERED NOTICE DATED 5.10.2006 ISSUED BY THE FIRST RESPONDENT TO THE PETITIONER.

EXT.P4 TRUE COPY OF PETITIONER'S REPLY DATED 23.10.2006 TO THE FIRST RESPONDENT.

EXT.P5 TRUE COPY OF LETTER DATED 15.11.2006 OF THE FIRST RESPONDENT ADDRESSED TO THE PETITIONER.

EXT.P6 TRUE COPY OF LETTER DATED 8.1.2007 OF THE FIRST RESPONDENT ADDRESSED TO THE PETITIONER.

EXT.P7 TRUE COPY OF PETITIONER'S COVERING LETTER DATED 12.1.2007 ADDRESSED TO THE FIRST RESPONDENT.

EXT.P8 TRUE COPY OF DEMAND DRAFT NO. 330448 DATED 30.1.2007 FOR RS. 8 LAKHS AND DEMAND DRAFT NO. 330478 DATED 17.2.2007 FOR RS. 5 LAKHS TAKEN BY THE PETITIONER.

EXT.P9 TRUE COPY OF LETTER DATED 9.3.2007 OF THE FIRST RESPONDENT ADDRESSED TO THE PETITIONER.

EXT.P10 TRUE COPY OF DEMAND NSOTICE UNDER SECTION 7 DATED 19.3.2007 ISSUED BY THE 2ND RESPONDENT ALONG WITH DEMAND PRIOR TO ATTACHMENT OF LAND DATED 19.3.2007

EXT.P11 TRUE COPY OF TERM LOAN STATEMENT FOR THE PERIOD FROM 25.5.1996 TO 21.3.2007

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.S. TO JUDGE.

K.BALAKRISHNAN NAIR, J.

W.P.(C).No.10643 of 2007-P

Dated this the 29th day of March, 2007

O R D E R

Admit. Issue notice to R2. Adv. Sri. M.Pathrose Mathai took notice for R1. The petitioner is in default to the first respondent Corporation in relation to a loan availed of by it. The Corporation has granted O.T.S facility to close the loan account, as per Ext.P1. As per the conditions contained in Ext.P1, the petitioner could not pay the amount as stipulated therein and therefore the first respondent is pursuing revenue recovery steps, to recover the amount due to it. It has also recalled the O.T.S facility, as per Ext.P6. The petitioner prays for restoring the O.T.S facility subject to appropriate conditions.

2. I heard the learned Senior Counsel for the first respondent Sri. M.Pathrose Mathai. If the petitioner pays the entire arrears payable by it under Ext.P1 on or before 30-4-2007, the O.T.S facility extended to it shall stand restored and the petitioner will get time upto 3-7-2007 for paying the balance instalment as provided in Ext.P1. The petitioner is liable to pay collection charges for the amount collected through revenue recovery machinery. Further coercive steps pursuant to Ext.P10 shall be kept in abeyance till the entire amount is paid by the petitioner. But, the attachment will continue till the entire amount is paid by the petitioner.

Post in the re-opening date.

K.BALAKRISHNAN NAIR, JUDGE.

MS